

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 01 2019

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

Mr. Cody Cummisky
Plaintiff

vs.

Case Number: CF -18-5300

(To be supplied by Court Clerk)

Tulsa Police Comitee

Gun Unit Officer Blackwell (ID# 2304 DIV SID)

Officer Beal (ID# 2355 TPD DIV SID)

Defendant(s)

19 CV 112 TCK - FHM

Current Location (including Address) of Confinement :

David L Moss Criminal Justice Center
300 North Denver
Tulsa, OK 74103

Prisoner Number:

1173185

CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

A. Parties

1) Cody Cummisky is a citizen of Oklahoma who presently resides at
(Plaintiff)

6214 East 36th St Apt C, Tulsa, OK 74133
(Mailing address or place of confinement)

2) Defendant Officer Beal is a citizen of Tulsa Ok,
(Name of first defendant)
(City, State)

and is employed as ID# 2355 TPD / DIV SID.
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? Yes No

If your answer is yes, briefly explain: He was on the clock and in regular uniform.

3) Defendant Officer Blackwell is a citizen of Tulsa Ok,
(Name of second defendant)
(City, State)

and is employed as ID# 2304 / DIV SID
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? Yes No

If your answer is yes, briefly explain: He was on the clock and

in regular uniform.

[You may attach one additional page (8 ½ " x 11") to furnish the above information for additional defendants.]

B. Jurisdiction

1) Jurisdiction is asserted pursuant to: (Check one)

42 U.S.C. §1983 (applies to state prisoners)

Bivens v Six Unknown Named Agents of Fed. Bureau of Narcotics
403 U.S. 388 (1971) and 28 U.S.C. §1331 (applies to fed. prisoners)

2) Jurisdiction also is invoked pursuant to 28 U.S.C. §1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

C. Nature of Case

1) Briefly state the background of your case. *Attached to document*

D. Cause of Action

1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: [If necessary, you may attach up to two additional pages (8½" x 11") to explain any allegation or to list additional supporting facts.]

a) (1) Count I: *Poss F/A AFCF, KCSP & Carrying a Concealed Weapon (Gun)*

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

attached to document

b) (1) Count II: _____

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

WCA

c) (1) Count III: _____

MHS

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

MHS

E. Request for Relief

1) I believe that I am entitled to the following relief: compensation for
false imprisonment, emotional distress; and
loss of wages.

Original Signature of Attorney (if any)

Original Signature of Plaintiff



April Mitchell 2/22/19

Attorney's full address and telephone number

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. §1746. 18 U.S.C. §1621.

Executed at

David L Moss Criminal Justice Center

(Location)

2/20/2019

(Date)

Cathy Hernandez-Mitchell

(Original Signature of Plaintiff)



April Mitchell 2/22/19

C.) Nature of case: I am being charged with possession of firearm, unlawfully carrying a firearm and knowingly concealing stolen property, in which two other individuals are charged with the in which one gun was recovered. I'm being held for a gun another person took ownership of and feel I shouldn't be incarcerated for.

D.) Cause of action

2) Supporting Facts: I Cody Cummiskey, and two other individuals who's names are Marquann Cobb, and DeKey Allen was arrested on 11/15/18 at approximately 7:06 pm. We all were charged with one single firearm that was located in a car owned by another person. I was the backseat passenger, in which the gun was retrieved from the front drivers side next to the driver. After the discovery of the gun the passenger in the front seat claimed the gun, and even after the gun was claimed I was still arrested and locked up for a gun I never had possession of nor did I have any knowledge of the gun being in the vehicle.

Cody Cummiskey

A. Mitchell



APRIL MITCHELL

Notary Public in and for

STATE OF OKLAHOMA

Commission #15006264

Expires: July 8, 2019

COD: Cummins # 1173185
David L. Moss Criminal Justice Center
300 N. Denver
Tulsa, OK 74103

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MAR 01 2019

Mark C. McNatt, Clerk

U.S. DISTRICT COURT

Clerk, United States District Court
Northern District of Oklahoma
333 W. Fourth Street
Room 411
Tulsa, OK 74103-3819